

### **REMARKS**

Claims 1-4 are pending and under consideration in the above-identified application.

In the Office Action of October 6, 2010, claims 1-4 were rejected.

With this Amendment, claims 1-4 are amended..

#### **I. Objection To Claims**

Claims 1-4 were objected to for various informalities.

With this amendment, claims 1-4 are amended taking into consideration the Examiner's comments. Accordingly, the Applicants respectfully request the withdrawal of this objection.

#### **II. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph.

With this amendment, claims 1-4 are amended taking into consideration the Examiner's comments. Accordingly, the Applicants respectfully request the withdrawal of this rejection. .

#### **III. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolle (U.S. Pat. No. 6,301,440).

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolle in view of Steinberg (U.S. Pat. No. 7,440,593).

Applicant respectfully traverses both of these rejections.

In relevant part, independent claim 3 recites an image determining unit that determines (a) the inputted image is a snapshot image when (i) a ratio of the total area of all of the faces to the total area the inputted image is not more than a predetermined value, or (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined

number, and (b) the inputted image is a portrait image when the ratio of the total area of the faces to the total area of the inputted image is less than or equal to the predetermined value and the number of faces is less than the predetermined number. Claim 1 recites steps of performing the same.

This is clearly unlike Bolle which fails to disclose or even fairly suggest an image determining unit that determines (a) the inputted image is a snapshot image when (i) a ratio of the total area of all of the faces to the total area the inputted image is not more than a predetermined value, or (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number, and (b) the inputted image is a portrait image when the ratio of the total area of the faces to the total area of the inputted image is less than or equal to the predetermined value and the number of faces is less than the predetermined number. Instead, Bolle discloses determining if the face of a person is present in an image and then classifying the image as a close-up portrait, portrait or group picture based on the size of each face in the image and the number of faces identified. See, U.S. Pat. No. 6,301,440, Col 4, l. 26-45.

Steinberg fails to disclose anything pertaining to suggest determining whether or not the ratio of the area of the inputted image containing at least one face to the total area of the image is more than a predetermined value.

As the Applicant's specification discloses, by determining (a) the inputted image is a snapshot image when (i) a ratio of the total area of all of the faces to the total area the inputted image is not more than a predetermined value, or (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number, and (b) the inputted

image is a portrait image when the ratio of the total area of the faces to the total area of the inputted image is less than or equal to the predetermined value and the number of faces is less than the predetermined number, the accuracy of the image classification is improved. See, Specification at page 15.

Therefore, because Bolle, Steinberg or any combination of them fails to disclose or even fairly suggest every feature of claims 1 and 3, the rejection of claims 1 and 3 cannot stand. Because claims 2 and 4 depend, either directly or indirectly, from claims 1 and 3, they are allowable for at least the same reasons.

**IV. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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